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Attorneys for Dolgen Midwest, LLC

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

Lajoy Watson, an individual,

Plaintiff,

vs.

Dolgen Midwest, LLC, dba Dollar General  
Corporation, a domestic limited-liability company;  
Doe Individuals I-X, inclusive; and Roe Corporations  
I-X, inclusive,

Defendant.

Case No.: 2:22-cv-648-APG-NJK

**Joint Pretrial Order**

**I. CONCISE STATEMENT OF THE ACTION AND THE CONTENTIONS OF  
THE PARTIES**

On November 29, 2021, Plaintiff Lajoy Watson slipped and fell while at a Dollar General operated by Dolgen Midwest, LLC in Las Vegas, Nevada. Plaintiff slipped on yogurt and sustained injuries to her left knee. Plaintiff alleges Dollar General was negligent, Dollar General denies it was negligent.

**II. STATEMENT AS TO JURISDICTION OF THE COURT**

Diversity jurisdiction is present per 28 U.S.C. § 1332(a). Plaintiff and Defendant are citizens of different states and the amount in controversy exceeds \$75,000.00.

**III. FACTS ADMITTED BY THE PARTIES THAT REQUIRE NO PROOF**

1. The events or omissions from Plaintiff's claims occurred in Clark County, Nevada.
2. On November 29, 2021, Plaintiff was shopping at Dollar General and fell.
3. Dollar General's employees did not cause the yogurt spill.
4. Dollar General did not have actual notice of the yogurt spill.
5. Plaintiff she sustained injuries to her left knee that caused her hospitalization and treatment for a dislocated left knee.

**IV. FACTS, THOUGH NOT ADMITTED, WILL NOT BE CONTESTED AT TRIAL BY EVIDENCE TO THE CONTRARY**

None currently.

**V. ISSUES OF FACT TO BE TRIED AND DETERMINED AT TRIAL**

1. Did Dollar General have constructive notice of the yogurt spill?
2. Was Plaintiff comparatively negligent?
3. Did Plaintiff fail to mitigate her damages?
4. Does Plaintiff require future medical care for her injuries?

**VI. ISSUES OF LAW TO BE TRIED AND DETERMINED AT TRIAL**

None currently.

**VII. EXHIBITS THAT WILL BE OFFERED INTO EVIDENCE****a. Plaintiff's Exhibits**

No.	Document	Bates Number
1.	Certificate of authenticity of medical records and billing, and medical records and billing from University Medical Center of Southern Nevada for date of service 11/29/2021 through 12/08/2022.	UMCN0001 – UMCN0870
2.	Certificate of authenticity of billing records, and billing records from Sound Physician Emergency Medicine for date of service 11/29/2021	SPEM0001 – SPEM0003
3.	Certificate of authenticity of billing records, and billing records from Desert Radiology Solutions for date of service 11/29/2021 through 01/04/2022	DRAD0001 – DRAD0004
4.	Medical records and billing from OptumCare Orthopedics and Spine for date of service 11/29/2021 through 03/11/2021	OCOS0001 – OCOS0054

No.	Document	Bates Number
5.	Certificate of authenticity of billing records, and medical records and billing from Horizon Health and Rehabilitation Center for date of service 12/08/2021 through 12/16/2021	HHRC0001 – HHRC0066
6.	Medical records certification, and medical records and billing from ATI Physical Therapy for date of service 03/0/2022 through 03/25/2022	ATIP0001 – ATIP0019
7.	Medical records and billing from Desert Radiology Solutions for date of service 03/02/2022 through 03/03/2022	DRAD0005 – DRAD0010
8.	Medical records and billing from University Medical Center of Southern Nevada for date of service 03/03/2022 through 03/05/2022	UMCN0871 – UMCN1183
9.	Certificate of authenticity of medical records and billing, and medical records and billing from Desert Orthopaedic Center for date of service 10/21/2022 through 02/03/2023	DSOC0001 – DSOC0015
10.	Records affidavit, and billing records from CVS Pharmacy for date of service 12/18/2021 through 10/06/2022	CVRX0001 – CVRX0008
11.	Medical records and billing from Desert Radiology for date of service 12/31/2021 through 01/07/2022	DRAD0011 – DRAD0013
12.	Three (3) photographs of Plaintiff's injury	PHOT0001 – PHOT0003
13.	Customer Incident Report dated 11/29/2021	REP0001
14.	Video of Incident	DEF000001 DEF000006

b. Dolgen Midwest, LLC's Exhibits

No.	Document	Bates Number
A.	Video of Incident	DEF000001 DEF000006
B.	Incident Report	DEF000002 – DEF000003
C.	December 8, 2014 AMR Record	TING000007 - TING000008
D.	August 12, 2017 AMR Record	THORN000007 – THORN000009
E.	August 12, 2017 X-Ray	DRAD000013
F.	August 12, 2017 UMC ER Records	THORN000258 – THORN000271
G.	July 19, 2021 X-Ray	DRAD000035
H.	July 29, 2019 Left Knee MRI	DRAD000038
I.	January 13, 2019 Nevada Spine Clinic Record	THORN000100 – THORN000102
J.	February 1, 2019 Nevada Spine Clinic Record	THORN000103 – THORN000104

**VIII. STIPULATIONS AS TO EXHIBITS**

- a. Plaintiff's Exhibits: Dolgen Midwest stipulates to admit Plaintiff's proposed exhibits 1-13.
- b. Dolgen Midwest LLC's Exhibits: Plaintiff stipulates to admit Defendant's proposed Exhibit A (video of the incident) and Exhibit B (incident report).

**IX. OBJECTIONS TO EXHIBITS**

- a. Plaintiff's Exhibits: None
- b. Dolgen Midwest LLC's Exhibits

Exhibit	Document	Objection
	December 8, 2014 AMR Record	Foundation; Hearsay; Relevance
	August 12, 2017 AMR Record	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	August 12, 2017 X-Ray	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	August 12, 2017 UMC ER Records	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	July 19, 2021 X-Ray	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	July 29, 2019 Left Knee MRI	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	January 13, 2019 Nevada Spine Clinic Record	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice
	February 1, 2019 Nevada Spine Clinic Record	Foundation; Hearsay; Relevance; Probative value is substantially outweighed by unfair prejudice

**X. STATEMENT CONCERNING THE USE OF ELECTRONIC EXHIBITS**

Both parties intend to present evidence in both hard copy and electronic form.

**XI. DEPOSITIONS INTENDED TO BE OFFERED AT TRIAL****Plaintiff:**

- Shannon Stevens: 8:6 – 8:8; 8:13 – 8:15; 8:22 – 9:15; 13:11 – 14:14; 15:13 – 20:14; 21:1 – 23:14; 23:16 – 26:1; 26:25 – 28:21; 36:11 – 36:17.

- Helen Burns: 10:20 – 11:3; 11:25 – 12:24; 13:3 – 13:25; 14: 25 – 15:3; 15:10 – 16:23; 17:21 – 17:25; 18:8 – 20:4; 20:15 – 21:2; 21:20 – 22:12; 22:22 – 22:25; 23:14 – 25:25.

**Dolgen Midwest, LLC will offer the following depositions if necessary:**

- Plaintiff: 14:24 – 15:13; 17:1 – 19:4; 19:8 – 19:15; 21:24 – 26:13; 27:16 – 27:24; 29:1 – 30:7; 30:25 – 31:11; 31:18 – 32:8; 32:11 – 34:21; 37:12 – 37:18; 40:2 – 41:19; 42:19 – 43:8; 49:3 – 50:13; 50:17 – 50:21; 51:17 – 52:12.
- Dr. David Fish: 6:3 – 7:18; 9:4 – 13:5; 16:19 – 17:1; 18:5 – 18:8; 19:12 – 19:16; 23:16 – 25:1; 25:11 – 25:17; 26:24 – 27:9.
- Shannon Stevens: 8:6 – 9:12; 13:19 – 14:8; 15:10 – 16:13; 17:24 – 18:6; 22:8 – 23:9; 23:16 – 25:18; 27:15 – 28:16; 29:3 – 34:17.
- Monica Lewis: 7:7 – 9:7; 9:25 – 11:4; 15:21 – 16:19; 16:23 – 17:16.
- Natasha Ralls: 6:12 – 6:22; 8:5 – 9:16; 10:3 – 12:2.
- Helen Burns: 10:20 – 14:23; 15:10 – 20:14; 21:3 – 24:22; 25:20 – 26:2; 28:8 – 29:2; 32:3 – 32:24.

**XII. OBJECTIONS TO DEPOSITIONS**

a. Plaintiff:

Deponent	Designation	Objection
Plaintiff LaJoy Watson	15:4-13	This line of questioning calls for collateral source.
	17:16-18:12	These questions about prior lawsuits are irrelevant and the probative value of the information is outweighed by substantial prejudice.
	21:24-26:13	These questions call for medical opinion and irrelevant medical information outside the scope of this lawsuit.
	41:3-41:19	This testimony calls for a legal conclusion plaintiff is not qualified to give. Further, this testimony calls for speculation as to what plaintiff would do if she were the owner of a store.
	49:3 – 50:13	This testimony calls for medical opinions plaintiff is not qualified to give.
	51:17 – 52:12	The probative value of the testimony regarding plaintiff being a former smoker is substantially outweighed by unfair prejudice.
Dr. David Fish	24:2-22	Objection as to foundation, incomplete hypothetical, and assumes facts not in evidence.
Shannon Stevens	32:23-33:1	This is a compound question.
Monica Lewis	17:9 – 11	This testimony calls for speculation.

Deponent	Designation	Objection
Natasha Ralls	8:20-21	The “unknown speaker” portion of the transcript should be stricken as they were not being deposed.

b. Dolgen Midwest LLC

Deponent	Designation	Objection
Shannon Stevens	13:11-19	Counsel is testifying to his understanding of what happened, there is no testimony from the witness agreeing or disagreeing to anything.
	16:14-17:6	This testimony calls for speculation as to what may or may not result from increased store inspections. It also seeks improper lay opinion.
	17:16-23	The question was withdrawn.
	19:7-19:21	This testimony calls for speculation as to what may or may not result from increased store inspections
	19:22-20:7	The probative value of the testimony as to low cost operator is substantially outweighed by unfair prejudice. Whether a low cost or high cost operator, defendants are held to the same standard of care.
	20:8-14	This testimony calls for speculation.
	21:1-6	This testimony calls for speculation as to what may or may not result from decreased store inspections.
	21:7-22:7	The probative value of the testimony as to low cost operator is substantially outweighed by unfair prejudice. Whether a low cost or high cost operator, defendants are held to the same standard of care.
	25:19-26:1	This testimony calls for speculation as to what a sweep may or may not have found.
	36:11-36:17	This testimony calls for speculation as to whether hiring additional employees might have detected a hazard.
Helen Burns	14:25-15:3	The designation ends in the middle of a response. The witness’ response was interrupted. The question was then asked again starting at 15:10.
	20:15-21:2	This calls for medical opinion testimony from a lay witness who is neither qualified nor designated to give such testimony.

**XIII. WITNESSES TO BE CALLED AT TRIAL**

a. Plaintiff

1. LaJoy Watson  
c/o Tom W. Stewart, Esq.  
The Powell Law Firm  
8918 Spanish Ridge Avenue, Suite 100  
Las Vegas, Nevada 89148
2. Shannon Stevens, as  
Person(s) Most Knowledgeable  
Dolgen Midwest, LLC dba  
Dollar General Corporation

1 c/o Michael P. Lowry, Esq.  
2 Wilson Elser Moskowitz Elderman & Dicker, LLP  
3 6689 Las Vegas Boulevard  
4 Las Vegas, Nevada 89119

5 3. Helen Burns  
6 c/o Michael P. Lowry, Esq.  
7 Wilson Elser Moskowitz Elderman & Dicker, LLP  
8 6689 Las Vegas Boulevard  
9 Las Vegas, Nevada 89119

10 4. Natasha Ralls  
11 1950 North Walnut Road, #224  
12 Las Vegas, Nevada 89115  
13 (702) 630-0672

14 5. Monica Lewis  
15 1950 North Walnut Road, #247  
16 Las Vegas, Nevada 89115  
17 (702) 610-9637

18 6. David E. Fish, MD/MPH  
19 1350 Davis Drive  
20 Beverly Hills, California 90210

21 b. Dolgen Midwest LLC

22 1. Shannon Stevens  
23 16485 N. Stadium Way, Unit 2001  
24 Surprise, AZ 85374

25 2. Helen Burns  
26 3650 E. Lake Mead Blvd., Apt. 151  
27 Las Vegas, Nevada 89115

28 3. Dr. Roger Fontes  
2800 E. Desert Inn Rd, Suite 100  
Las Vegas, Nevada, 89121

**XIV. PROPOSED TRIAL DATES**

a. January 26, 2026

b. February 9, 2026


c. February 23, 2026

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**XV. TIME FOR TRIAL**

The parties estimate that this trial will take 3-5 days.

DATED this	DATED this
	The Powell Law Firm
<u>/s/ Michael P. Lowry</u>	<u>/s/ Tom W. Stewart</u>
Michael P. Lowry	Tom W. Stewart
Nevada Bar No. 10666	Nevada Bar No. 14280
Jonathan C. Pattillo	8918 Spanish Ridge Ave, Suite 100
Nevada Bar No. 13929	Las Vegas, NV 89148
Attorneys for Dolgen Midwest, LLC	Attorneys for Plaintiff

**XVI. ACTION BY THE COURT**


This case is set for jury trial on the stacked calendar on January 26, 2026 at 9:00 a.m.  
Calendar call will be held on January 20, 2026 at 9:00 a.m. All in courtroom 6C.

Accordingly, this matter is referred to the Honorable Nancy J. Koppe, U.S. Magistrate Judge, for scheduling a settlement conference when appropriate.

This pretrial order has been approved by the parties to this action as evidenced by their signatures or the signatures of their attorneys hereon, and the order is hereby entered and will govern the trial of this case. This order may not be amended except by court order and based upon the parties' agreement or to prevent manifest injustice.

IT IS SO ORDERED:

Dated: April 14, 2025



ANDREW P. GORDON  
CHIEF UNITED STATES DISTRICT JUDGE